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REMARKS

Claims 1-92 are pending in this application, and were rejected under 35 U.S.C. §103 as being unpatentable over combinations of references including Caronni, Wasilewski, Aziz, Foldare and Kadansky. Claims 1, 17, 32, 47, 63 and 78 are currently amended. Reconsideration is respectfully requested.

In the course of an interview with the Examiner it was agreed that a point of distinction of the claims relative to the cited references is centered on the term "time period" and the Wasilewski reference. The Office previously conceded that Carroni fails to teach selecting a virtual channel based on time period, asserting only that Wasilewski teaches that feature. However, as agreed in the interview the term "time period" is used in the Wasilewski reference to describe the time-of-day, or a time slot defined by time-of-day boundaries. In particular, Wasilewski states "a dynamic virtual service is an associated group of basic services, only one of which is active for that dynamic service during a given time period by way of example, suppose that during time period T1 (i.e., between 5:00 pm and 7:00 pm)." (Col. 7, lines 10-68, emphasis added). In contrast, the presently claimed invention uses "time period" to describe an amount, i.e., magnitude, of time. See, e.g., Figure 1 where member (31) has a time period of 4 days, member (32) has a time period of 5 days, etc. See also page 7, lines 21-22 which reads "the time period from the current clock time to the due date is called the member's due time." (emphasis added). In order to reflect this difference in the claims it was agreed in the interview to use the phrase "amount of time" rather than "time period." Claims 1, 17, 32, 47, 63 and 78 have been amended accordingly. Withdrawal of the rejections of claims 1, 17, 32, 47, 63 and 78, and their dependent claims 2-16, 18-31, 33-46, 48-62, 64-77, and 79-92, is therefore requested.

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Claims 1-92 were rejected under 35 U.S.C. §112 for containing a limitation not described in the specification. Rather than argue where the limitation is taught in the specification, Applicant has amended the claims to more closely recite the supporting language in the specification. For example, the specification recites at page 6, lines 13-15, "the member is assigned to the virtual channel where the time period for which the member requested falls between the upper and lower bounds of a virtual channel," and claim 1 now recites "selecting a virtual channel from the plurality of virtual channels for communications by the requestor by correlating the amount of time indicated by the requestor with the amount of time remaining until expiration of the virtual channels." Further, the specification recites at page 6, lines 17-20, "the key distributor distributes the encrypted data of the data group to the members by means of standard multicast forwarding in other embodiments, another entity distributes the encrypted data," and claim 1 recites "distributing the data to the members of the multicast group via each of the virtual channels." The previously added claim language which prompted the rejection has also been removed from the other claims, i.e., claims 17, 32, 47, 63 and 78. It should be noted that the recited feature further distinguishes the cited references by describing a multicast session in which the virtual channels provide the same basic content, but differ in duration of time, as opposed to the fan-in of television signals described by Wasilewski in which only one of the feeds is active at any given time. This distinction was described in detail in the previous Amendment. Withdrawal of the rejection is therefore requested.

Claims 1-17 and 47-62 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office assert that those claims are actually directed to computer programs. Applicant respectfully requests reconsideration. Claims 1-17 are directed to a method executed in a communications network by network devices such as switches, routers

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and servers. Not only do those devices comprise more than simply software, the media which interconnects the devices is not software. Claim 1 has been amended to emphasize this subject matter of the invention by reciting “receiving, **at a key distributor device**, a request **from a requestor device** to join the multicast session, the request indicating a requested amount of time of utilization of the multicast session.” (emphasis added). Claims 47-62 are similarly directed to a method executed in a communications network by network devices such as switches, routers and servers. Claim 47 has therefore been amended to recite “establishing, **by a network device**, a plurality of virtual channels for the multicast session, each virtual channel defined by an amount of time remaining until expiration.” (emphasis added) Withdrawal of the rejections is therefore requested.

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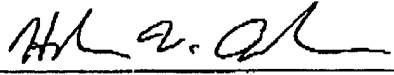
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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney, at 978-264-4001 (X305) so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


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